

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**GERALD W. NUELLE, et al.,  
Plaintiffs**

**v.**

**CIVIL NO. 05-1280(DRD)**

**GEORGIA FARM BUREAU MUTUAL  
INSURANCE COMPANY, et al.,  
Defendants**

<b>MOTION</b>	<b>ORDER</b>
<b>Date Filed: 9/26/05</b> <b><u>Docket # 10</u></b> <input type="checkbox"/> <b>Plaintiff</b> <input checked="" type="checkbox"/> <b>Defendant</b> <b>Title:</b> Defendant Georgia Farm Bureau's Motion for Summary Judgment	<b>DENIED WITHOUT PREJUDICE.</b> See ruling at Docket No. 12. Further, defendant may resubmit its motion for summary judgment should it be deemed proper.
<b>Date Filed: 10/14/2005</b> <b><u>Docket # 12</u></b> <input checked="" type="checkbox"/> <b>Plaintiff</b> <input type="checkbox"/> <b>Defendant</b> <b>Title:</b> Motion Requesting Leave to File Amended Complaint	<b>GRANTED.</b> <i>See</i> , Rule 15(a), Fed.R.Civ.P.; <u>Foman v. Davis</u> , 371 U.S. 178, 182 (1962).
<b>Date Filed: 10/14/2005</b> <b><u>Docket # 14</u></b> <input type="checkbox"/> <b>Plaintiff</b> <input checked="" type="checkbox"/> <b>Defendant</b> <b>Title:</b> Motion to Deem Defendants' Motion for Summary Judgment as Unopposed	<b>MOOT.</b> See ruling at Docket Nos. 10 and 12.

<p><b>Date Filed:</b> 12/14/2005  <b>Docket # 16</b>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Halteh's Special Appearance Motion to Quash Notice of Suit/Waiver of Service of Summons or in the Alternative to set Definite Time for Response or Other Pleading to Amended Complaint</p>	<p><b>GRANTED IN PART.</b> Co-defendant Halteh shall file its Answer to the Complaint and/or otherwise plead on or before February 6, 2006. <b>Absolutely any motion requesting an extension of time shall be SUMMARILY DENIED.</b></p>
<p><b>Date Filed:</b> 1/9/2006  <b>Docket # 18</b>  <input type="checkbox"/> <b>Plaintiff</b>  <input checked="" type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion to Strike Plaintiffs' Reply</p>	<p><b>DENIED.</b> See ruling at Docket No. 19.</p>
<p><b>Date Filed:</b> 1/13/2006  <b>Docket # 19</b>  <input checked="" type="checkbox"/> <b>Plaintiff</b>  <input type="checkbox"/> <b>Defendant</b>  <b>Title:</b> Motion to Amend Title</p>	<p><b>GRANTED.</b> Plaintiffs' motion at Docket No. 17 shall reflect that it is an Opposition and not a Reply. The parties are reminded that "the function of the motion, and not the caption, dictates which Rule is applicable". <u>Perez v. Cucci</u>, 932 F.2d 1058, 1061n.10 (3<sup>rd</sup> Cir. 1991). However, the Court notes that certain plaintiffs' motions have been filed past the term provided by the Federal Rules of Civil Procedure and/or the Local Civil Rules. This is untenable. Strict compliance with the Rules is expected. Plaintiffs' are forewarned that "[A] litigant who ignores a case-management deadline [or order] does so at his peril ... We have made it clear that district courts may punish such dereliction in a variety of ways. ... [L]itigants have an unflagging duty to comply with clearly communicated case-management orders ... ." <u>Rosario-Diaz v. Gonzalez</u>, 140 F.3d 312, 315 (1<sup>st</sup> Cir. 1998); <u>Barreto v. Citibank, N.A.</u>, 907 F.2d 15, 16 (1<sup>st</sup> Cir. 1990) ("[W]ell established principle that discovery orders, other pre-trial orders, and, indeed, all orders governing the management of a case are enforceable under pain of sanction for unjustifiable violation.").</p>

**IT IS SO ORDERED.**

In San Juan, Puerto Rico this 13<sup>th</sup> day of January 2006.

**S/DANIEL R. DOMINGUEZ**  
**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**